



SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1942

No.

OGDEN H. HAMMOND, JR.,

Petitioner,

v.

EDYTHE STERLING HAMMOND,

Respondent.

MOTION AS TO RECORD.

To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Now comes your petitioner, Ogden H. Hammond, Jr., and respectfully moves the Court that, for consideration of the petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia, the complete record in this case be not printed, and that the said petition for a writ of certiorari herein be considered by this Honorable Court upon the Appendix to Appellant's brief filed in the said United States Court of Appeals for the District of Columbia and upon all the proceedings had in the said United States Court of Appeals for the District of Columbia.

Your petitioner informs this Honorable Court that despite numerous oral and written efforts, respondent, without advancing any reason whatever except a desire to dis-

courage petitioner in making the foregoing application for a writ of certiorari herein, flatly refuses to stipulate that the foregoing petition for a writ of certiorari may be heard upon the Appendix to the Appellant's brief in the Court of Appeals. This was the only Appendix to either brief below, and due and ample notice was given of the printing of such Appendix (R. 109-112) to respondent, and respondent never saw fit to file any counter-designation or to offer any objection to said Appendix. No reference has been made by any party to any portion of the record not contained in the said Appendix which, in fact, includes all of respondent's case and almost the entire record. A transcript of the complete record, duly certified by the Clerk of the United States Court of Appeals for the District of Columbia, has already been filed with the Clerk of this Honorable Court, and if certiorari be granted by this Honorable Court, as prayed by the petitioner, your petitioner will cause to be printed such other or additional parts or all the record as may be necessary, or so much thereof as counsel for the parties hereto may by stipulation designate. Further the original record in the Court of Appeals, by order of that Court, has already been lodged with the clerk of this Court.

For authority for this motion, your petitioner refers to No. 319, this Term, *Fidelity Assurance Association v. Sims*, (C. C. A. 4th), certiorari granted and motion to consider the application for certiorari on appendices granted October 12, 1942.

OGDEN H. HAMMOND, JR.,

By WILBER STAMMLER,

Counsel for Petitioner.

DANIEL G. ALBERT,

GEORGE W. DALZELL,

Of Counsel.

